

Filed for intro on 01/14/98

HOUSE BILL 2072
By Fraley

AN ACT to amend Tennessee Code Annotated, Section 7-82-307(ff), relative to water utility districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307(ff), is amended in the third sentence of subdivision (1) by deleting the language "the boundaries of" and by substituting instead the language "the area served by".

SECTION 2. Tennessee Code Annotated, Section 7-82-307(ff), is further amended by deleting the fifth sentence of subdivision (2) in its entirety and by substituting instead the following:

After June 13, 1994, no member shall serve for more than two (2) consecutive four-year terms.

SECTION 3. Tennessee Code Annotated, Section 7-82-307(ff), is further amended by deleting from the first sentence in subdivision (4) the language "each county" and by substituting instead the language "each county having more than thirty (30) customers as herein defined".

SECTION 4. Tennessee Code Annotated, Section 7-82-307(ff), is further amended by deleting subdivisions (5) and (6) in their entirety and by substituting instead the following:

(5) Vacancies on the board due to term expirations or to an increase in the number of members shall be filled as follows:

Candidates shall be nominated at a meeting scheduled by its board to occur before the annual meeting (with the board to fix by its regulations the date

40000001

40000001

009287

00928758

of its annual meeting) and such reasonable notice of each such meeting as the board may require shall be published in a newspaper or newspapers of general circulation in the area served by the district. Qualification to nominate and to vote shall be determined conclusively from the district's billing records to establish the entity or individual responsible (or residents jointly responsible) for paying for utility services at each site receiving such services. Nominations shall be solely by petition and each nominating petition, to be valid, must be signed by not less than ten (10) qualified customers receiving services in the county in which the vacancy exists but all qualified customers shall be entitled to cast ballots on the actual voting regardless of the site of their receipt of services, and all voting shall be by written ballots with qualified customers entitled to make write-in selections in lieu of any of the nominated candidates for any vacancy.

(6) Each vacancy shall be filled by a plurality of the votes, with the incumbent commissioners who are not nominees to make the selection between tied candidates in the event of a tie. The hours of the conduct of each election shall be as previously determined by the individual water district's board of commissioners, and set out in the published notices of the election meeting. In the event the board of commissioners of any utility water districts subject to this subsection shall fail to establish the date of its annual meeting, the first meeting of the board of commissioners during the year shall by law be the date of the annual meeting, and in the event the commissioners shall fail to establish the date of a nominating meeting, the same shall be the next regular meeting conducted before the date of the election meeting.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring

it.